

AO 91 (Rev. 11/11) Criminal Complaint

UNITED STATES DISTRICT COURT

for the

Southern District of Texas

United States Courts
Southern District of Texas
FILED

December 23, 2022

Nathan Ochsner, Clerk of Court

United States of America

v.

Case No. 7:22-MJ-2536-1

Cruz OZUNA Jr.
YOB: 1992 COB: USC

Defendant(s)

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of December 22, 2022 in the county of Hidalgo in the
Southern District of Texas, the defendant(s) violated:

Code Section

Offense Description

Title 18 USC 922(g)(1)

The defendant, did knowingly and unlawfully possess a firearm that has previously traveled in and affected interstate commerce, after being convicted in a court of law for a felony crime punishable by imprisonment for a term exceeding one year.

This criminal complaint is based on these facts:

See Attachment A

☒ Continued on the attached sheet.

Approved by AUSA Alexa Parcell

/s/ Candace Garza

Complainant's signature

Candace Garza/ATF Special Agent

Printed name and title

☒ Sworn to telephonically and signed electronically
per Fed.R.Cr.4.1Date: December 23, 2022 at 7:15 a.m.City and state: McAllen, Texas

Judge's signature

J. Scott Hacker, U.S. Magistrate Judge

Printed name and title

ATTACHMENT A

On December 22, 2022, Edinburg Police Department (EPD) received a call for service regarding a suspicious male subject, known to carry firearms, at a residence located in Edinburg, TX. Upon arrival at the aforementioned location, EPD Officers made contact with Cruz OZUNA Jr. (hereinafter referred to as OZUNA) who became disorderly with the officers. While detaining OZUNA, EPD Officers located a loaded Springfield Armory 9mm caliber pistol in OZUNA's front waistband. Following the detention of OZUNA, EPD Officers discovered several active warrants for OZUNA out of EPD.

During a post-Miranda interview, OZUNA admitted that the firearm recovered from his waistband by EPD Officers belonged to him. OZUNA informed agents that he had purchased the aforementioned firearm approximately one month prior from an unknown individual for \$350. OZUNA advised agents that he had previously been sentenced to two years in prison for a burglary of habitation charge. OZUNA stated he was aware that due to his felony conviction, he was not allowed to purchase and/or possess firearms.

Your affiant obtained Judgment of Conviction documents for OZUNA which revealed OZUNA had been convicted of the following felony:

• Burglary of Habitation (2nd Degree Felony) in the 398th Judicial District Court of Hidalgo County, TX in Case No. CR-3431-13-I on October 15, 2013 in which OZUNA received five years of deferred adjudication. However, on March 24, 2015, OZUNA was adjudicated guilty for the aforementioned offense and ordered to serve two years imprisonment in the Institutional Division of the Texas Department of Criminal Justice (TDCJ).

Your affiant spoke with an ATF Special Agent who is a recognized expert in the interstate and foreign commerce travel of firearms and ammunition. The ATF Special Agent conducted a preliminary examination of the aforementioned firearm and determined that the firearm was manufactured outside the State of Texas. Therefore, the firearm had previously traveled in interstate and/or foreign commerce prior to being possessed by any person in the State of Texas.

Based on the above information, OZUNA was in possession of the above-mentioned firearm in violation of Title 18, United States Code, Section 922(g)(1).